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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

MEDFORD DIVISION

THOMAS J. YEGGE, JR.,

Civil No. 10-524-CL

Petitioner,

v.

GUY HALL,

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

Respondent.

CLARKE, Magistrate Judge.

Unless an evidentiary hearing is required, the decision to appoint counsel in a § 2254 proceeding is within the discretion of the district court. Terrovona v. Kincheloe, 852 F.2d 424, 429 (9th Cir. 1988); Knaubert v. Goldsmith, 791 F.2d 722, 728 (9th Cir.), cert. denied, 479 U.S. 867 (1986). This discretion is exercised in favor of an appointment if the circumstances of the case indicate that counsel is necessary to prevent due process violations or if the court determines "'that the interests of justice require.'" Chaney v. Lewis, 801 F.2d 1191, 1196 (9th Cir.

1986), cert. denied, 481 U.S. 1023 (1987) (quoting 18 U.S.C. § 3006A(g)); Knaubert, 791 F.2d at 728-29. Counsel need not be appointed when a petitioner has a "good understanding of the issues and the ability to present forcefully and coherently his contentions." LaMere v. Risley, 827 F.2d 622, 626 (9th Cir. 1987).

The interests of justice do not require the appointment of counsel in this case. The legal issues are not of such complexity that petitioner cannot present them *pro se*. Further, petitioner has demonstrated his ability to articulate his grounds for relief. Therefore, petitioner's motion for appointment of counsel (#14) is denied with leave to renew if the court determines that an evidentiary hearing in this case is required.

DATED this 7 day of October, 2010.



Mark D. Clarke
United States Magistrate Judge